

§ 887.489

fair market rent, or, if HUD has approved the use of community-wide exception rents for 0-bedroom units under § 882.106(a)(3) of this chapter, the payment standard amount for SRO units is equal to 75 percent of the HUD-approved community-wide exception rent. (Community-wide exception rents are maximum gross rents approved by HUD for the Certificate Program under § 882.106(a)(3) of this chapter for a designated municipality, county, or similar locality, which apply to the whole PHA jurisdiction.)

(b) HUD may approve a higher SRO payment standard amount, not to exceed 100 percent of the Section 8 Existing Housing fair market rent or HUD-approved community-wide exception rent referred to in paragraph (a) of this section, if the PHA can justify a change based on data reflecting the SRO rent levels that exist within the entire market area.

§ 887.489 Congregate housing: Definition.

“Congregate housing” means housing for elderly, handicapped, or disabled participants, that meets the housing quality standards for congregate housing specified in § 887.491.

[43 FR 34388, Sept. 6, 1988; 53 FR 36450, Sept. 20, 1988]

§ 887.491 Congregate housing: Housing quality standards.

The housing quality standards in § 887.251 apply to congregate housing, except that § 887.251(b), food preparation and refuse disposal, and the requirement in § 887.251(c) for adequate space for kitchen area, do not apply. In addition, the following standards apply:

(a) The unit must contain a refrigerator of appropriate size.

(b) The sanitary facilities described in § 887.251 (a) of this section must be contained within the unit.

(c) The central dining facility and central kitchen must be located within the building or housing complex and be accessible to the occupants of the congregate units, and must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner by a food service or persons other than the occupants. The facilities must

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be for the primary use of occupants of the congregate units and be sufficient in size to accommodate the occupants. There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

[43 FR 34388, Sept. 6, 1988, as amended at 53 FR 36450, Sept. 20, 1988]

§ 887.493 Congregate housing: Payment standard.

The payment standard amount for congregate housing units is equal to the Section 8 Existing Housing 0-bedroom fair market rent, or, if HUD has approved the use of community-wide exception rents for 0-bedroom units under § 882.106(a)(3) of this chapter and the exception rent applies throughout the PHA's jurisdiction, the payment standard amount for congregate housing units is equal to the HUD-approved community-wide exception rent.

Subpart K—Shared Housing

§ 887.501 Applicability, scope, and purpose.

In shared housing, an assisted family shares a housing unit (such as a house or an apartment) with the other resident or residents of the unit. The authorization for use of shared housing in the Housing Voucher Program is designed to provide additional choices in living arrangements for assisted families. The PHA has discretion to determine whether to include shared housing in its Housing Voucher Program and to design the shared housing component to meet local needs and circumstances.

§ 887.503 Definitions.

For purposes of shared housing, the following definitions apply:

Common space. Space available for use by the assisted family(ies) and other occupants of the unit.

Individual lease shared housing. The type of shared housing in which the PHA enters into a separate housing voucher contract for each assisted family residing in a shared housing unit.

Private space. The portion of the dwelling unit that is for the exclusive use of an assisted family.

Shared housing. A housing unit occupied by two or more families, consisting of common space for shared use by the occupants of the units and (except in the case of a shared one-bedroom unit) separate private space for each assisted family.

§ 887.505 Types of shared housing and applicable requirements.

(a) *Shared housing types.* Individual lease shared housing is the only type of shared housing authorized under this subpart K. Related lease shared housing (see part 882, subpart C of this chapter) is not authorized under this subpart K.

(b) *Applicable requirements.* Except as modified by this subpart K, all of the requirements in the other subparts of this part apply to shared housing.

§ 887.507 PHA administration of shared housing.

(a) *PHA election.* A PHA is not required to permit use of shared housing in its Housing Voucher Program. At any time, a PHA may change a decision to include shared housing in its program. The PHA, however, must continue to administer, in accordance with applicable requirements, any shared housing housing voucher contracts that it has executed.

(b) *Administrative/equal opportunity housing plan.* (1) If the PHA decides to permit shared housing in its program, or to change or discontinue shared housing, it must submit an amendment to its administrative/equal opportunity housing plan for HUD approval.

(2) The administrative/equal opportunity housing plan must state the PHA's policies for operating shared housing. The plan may not set aside housing vouchers for, or otherwise restrict the use of housing vouchers to, shared housing.

§ 887.509 Housing quality standards for shared housing.

(a) *Applicability of housing quality standards to entire unit.* The entire unit must comply with the performance requirements and acceptability criteria, as provided in §§ 887.251 (a) and (b) and in §§ 887.251 (d) through (k).

(b) *Facilities available for family.* The facilities available for the use of each

assisted family in shared housing under the family's lease must include (whether in the family's private space or in the common space) a living room, sanitary facilities in accordance with § 887.251(a), and food preparation and refuse disposal facilities in accordance with § 887.251(b).

(c) *Space and security—(1) Inapplicability of § 887.251(c).* Section 887.251(c) does not apply to shared housing.

(2) *Performance requirement.* The entire unit must provide adequate space and security for all its occupants (whether assisted or unassisted). The total number of occupants in the unit may not exceed 12 persons. Each unit must contain private space containing at least one bedroom for each assisted family, plus common space for shared use by the occupants of the unit. The private space for each assisted family must contain at least one bedroom for each two persons in the family. (The two preceding sentences do not apply to the case of two individuals sharing a one-bedroom unit. However, in that situation, no other persons may occupy the unit.) Common space must be appropriate for shared use by the occupants. If any members of the family are physically handicapped (at the time of lease approval), the unit's common space and the family's private space must be accessible and usable by them.

(3) *Acceptability criteria.* The unit must contain a living room, a kitchen, bathroom(s), and bedroom(s). Persons of opposite sex, other than husband and wife or very young children, may not be required to occupy the same bedroom. Exterior doors and windows accessible from outside the unit must be lockable.

§ 887.511 Occupancy of a shared housing unit.

(a) *Who may share a unit.* (1) Persons who are not assisted under the Housing Voucher Program may reside in a shared housing unit.

(2) Except for a one-bedroom unit, an owner of a shared housing unit may reside in the unit, and a resident owner may enter into a housing voucher contract with the PHA. Housing assistance, however, may not be provided on behalf of an owner who is not an owner-shareholder in mutual or cooperative